

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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JASON LATIMORE, )  
Plaintiff, )  
v. )  
VINCENT POON, )  
Defendant. )  
\_\_\_\_\_  
)

) Civil Action No.  
14-13481-FDS

**ORDER ON PLAINTIFF'S MOTIONS TO COMPEL**

**SAYLOR, J.**

In docket no. 490, plaintiff requests that the Court compel defendant to produce the mailing address for a treating psychiatrist, Dr. Omayra Nieves. Plaintiff intends to subpoena her to testify at trial. However, Dr. Nieves is not an employee of the Department of Correction. Accordingly, the motion is DENIED.

In docket no. 529, plaintiff requests that the Court compel defendant to produce the mailing addresses of 15 individuals who are former and current DOC employees and UMCH and MPCH personnel. Plaintiff intends to subpoena them to testify at trial. Those individuals are: (1) Vincent Poon, (2) Fernando Pontes, (3) James Gould; (4) John Houle; (5) John L. Ginnetty; (6) William Grossi; (7) Eric Yelle; (8) Stephen Gatewood; (9) Gary Roden; (10) "D. Moniz"; (11) Karen Hetherson; (12) David Clancy; (13) Beth Chamberlain; (14) Rebecca Lubelczyk; and (15) Dr. Omayra Nieves.

Defendant has already listed (1) Poon, (2) Pontes, (3) Gould, (4) Houle, and (7) Yelle on his witness list, and will make them available to testify. Therefore, the motion is DENIED as

moot as to those five witnesses.

Defendant has further represented that (5) Ginnetty, (6) Grossi, (8) Gatewood, (9) Roden, and (11) Hetherson are all retired from the Department of Corrections. Because they are retired, defendant is under no obligation to obtain their mailing addresses. Accordingly, the motion is DENIED as to these five individuals.

It is uncertain who (10) "D. Moniz" is. And, in any event, discovery has long since closed. Therefore, the motion is DENIED as to Moniz.

Defendant has represented that (12) Clancy, a corrections officer, is still employed by the Department of Corrections. However, it appears that he was not a witness to the alleged assault, and defendant has separately filed a motion in limine to preclude his testimony. Accordingly, the motion is DENIED without prejudice as to Clancy, subject to renewal only if the Court allows him to testify.

Finally, defendant has represented that (13) Chamberlain, (14) Lubelczyk, and (15) Dr. Nieves are not employed by the Department of Correction. Accordingly, the motion is DENIED as to these individuals, and any other persons named in plaintiff's motion that are not employed by the Department of Corrections.<sup>1</sup>

**So Ordered.**

Dated: July 23, 2018

/s/ F. Dennis Saylor IV  
F. Dennis Saylor IV  
United States District Judge

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<sup>1</sup> In his motion, plaintiff appears to mention other medical professionals, Smita Ramanadham, Patricia Clifford, and Karen Fink, all of whom are clinicians not employed by the Department of Corrections.